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REDACTED

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5 Attorneys for Complainant
6
7

OFFICE OF ADMIN. HEARINGS	
COMPL RESP	EXHIBIT
AGENCY	
FILE NO.	
DATE	

8 BEFORE THE
9 DIVISION OF MEDICAL QUALITY
10 BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation and)
12 Petition to Revoke Probation Against:)

13 RICHARD M. NEAL, JR., M.D.
14 4193 Redondo Beach Boulevard
15 Lawndale, California 90260

16 Physician's and Surgeon's
17 Certificate No. C-30739,

18 Respondent.
19

NO. D-2418

STIPULATION
FOR SETTLEMENT

20 IT IS HEREBY STIPULATED AND AGREED by and between the
21 parties to the above entitled matter as follows:

22 1. At the time of executing and filing the accusation
23 in the above matter, complainant, Robert G. Rowland, was the
24 Executive Director of the Board of Medical Quality Assurance
25 (hereinafter the "board") and performed said acts solely in his
26 official capacity as such.

27 2. Robert G. Rowland is represented herein by George
Deukmejian, Attorney General of the State of California, by
William L. Carter, Deputy Attorney General.

3. Richard M. Neal, Jr., M.D. (hereinafter "respondent"), is represented by John W. Miner, Esq. Respondent has retained John W. Miner, Esq., as his attorney in regard to the administrative action herein and respondent has counseled with John W. Miner concerning the effect of this stipulation, which respondent has carefully read and which he fully understands.

4. Respondent has received and read the accusation which is presently on file and pending in case number D-2413 before the Division of Medical Quality of the Board of Medical Quality Assurance of the Department of Consumer Affairs of the State of California (hereinafter the "division").

5. Respondent understands the nature of the charges alleged in the above mentioned accusation, which he has fully discussed with his counsel, and that said charges and allegations would constitute cause for imposing discipline on the respondent's physician's and surgeon's certificate heretofore issued by the Board of Medical Examiners (predecessor to the board).

6. Respondent and his counsel are aware of each of respondent's rights, including the right to a hearing on the charges and allegations; respondent's right to confront and cross-examine witnesses who would testify against him; respondent's right to contest the charges and allegations and any other rights which may be accorded him pursuant to the California Administrative Procedure Act (Gov. Code, § 11500 et seq.); his right to reconsideration, appeal to superior court and to any other or further appeal; respondent understands that in signing this stipulation rather than contesting the accusation, he is

enabling the division to discipline his license upon this stipulation without further process.

7. Respondent freely and voluntarily waives his rights to a hearing, reconsideration, appeal and any and all other rights set forth hereinabove and in the California Administrative Procedure Act and the Code of Civil Procedure; respondent rather than contesting the charges in the accusation presently on file at a formal hearing, for the purpose of the instant stipulation, only, admits and stipulates to the truth and accuracy of all allegations and charges set forth in said accusation with the exception of the allegations set out at paragraph 11 pertaining to patient H [REDACTED] and the allegations set out at paragraph 16 pertaining to patients W [REDACTED], U [REDACTED], J [REDACTED], and H [REDACTED], no stipulation being entered into with respect to said excepted allegations.

8. The division has the authority to take disciplinary action against respondent's certificate pursuant to sections 2360, 2361, 2372, 2399.5, 700, and 2391.5 of the Business and Professions Code.

9. Based upon all of the foregoing admissions, stipulations, and recitals, it is stipulated and agreed that the division may issue a decision upon this stipulation whereby:

The probation imposed on respondent by the division in case number D-1987 is revoked, the stay of the order of revocation in case number D-1987 is dissolved, and physician's and surgeon's certificate number C-30739 heretofore issued to respondent Richard M. Neal, Jr.,

M.D., is hereby revoked, provided, however, that said revocation is stayed and respondent is placed on probation for a period of five (5) years on the following terms and conditions:

A. Respondent shall not, during the first ninety (90) days immediately following the effective date of this decision, exercise any of the rights and privileges granted to him by his license to practice medicine and surgery.

B. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in California.

C. Respondent shall submit to the division quarterly declarations under penalty of perjury on forms provided by the division, stating whether there has been compliance with all the conditions of probation.

D. Respondent shall comply with the division's probation surveillance program.

E. Respondent shall appear in person for interviews with the division's medical consultant upon request at various intervals and with reasonable notice.

F. In the event respondent should leave California to reside or to practice outside the state, respondent must notify in writing

the division of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of his probationary period.

G. Within 90 days of the effective date of this decision, respondent shall submit to the division for its prior approval a program of approved Category I Continuing Medical Education, related to the violations found in the decision, which program shall include, but shall not be limited to, proper procedure for prescribing controlled substances and dangerous drugs. The specific content of said program shall be determined by the division or its designee and shall total not less than fifty (50) hours per year for one (1) year, commencing no later than 180 days following the effective date of the decision herein. This program shall be in addition to the Continuing Medical Education requirements for licensure. The division or its designee may also require respondent to pass an examination related to the content of the program. Failure to complete said program or failure of said examination shall constitute a violation of this probationary order.

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H. Respondent shall not prescribe, administer, order, or possess (except as prescribed, administered, or dispensed to respondent by another person authorized by law to do so) schedule II controlled substances as defined by the California Uniform Controlled Substances Act.

I. All probationary terms provided for in the decision of the division by its order of August 10, 1978, effective September 11, 1978, with respect to previous accusation number D-1987 filed against respondent shall remain in full force and effect for the period stated in that decision.

J. If respondent violates probation in any respect, the division, after giving respondent notice and the opportunity to be heard, may set aside the stay order and impose the revocation of respondent's certificate.

K. Upon successful completion of probation, respondent's certificate will be fully restored.

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1 10. The within stipulation shall be subject to the
2 approval of the division. If the division fails to approve this
3 stipulation, it shall be of no force or effect for either party.

4 . GEORGE DEUKMEJIAN, Attorney General
5 WILLIAM L. CARTER,
6 Deputy Attorney General

7 DATED: 2/27/81 .

William L. Carter
WILLIAM L. CARTER
Deputy Attorney General

9 Attorneys for Complainant

10
11 DATED: 2/10/81 .

John W. Miner
JOHN W. MINER, ESQ.
Attorney for Respondent

12
13
14 DATED: 2/7/81 .

Richard M. Neal
RICHARD M. NEAL, JR., M.D.
Respondent

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16
17 The above stipulation is accepted as the decision of the
18 Division of Medical Quality, Board of Medical Quality Assurance.

19 This decision shall become effective on the 14th day
20 of May, 1981.

21 IT IS SO ORDERED the 14th day of April,
22 1981.

23 Division of Medical Quality
24 Board of Medical Quality Assurance
25 State of California

26 By Miller Medearis

MILLER MEDEARIS
Secretary-Treasurer

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LC:gld
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1 GEORGE DEUKMEJIAN, Attorney General
2 WILLIAM L. CARTER,

3 Deputy Attorney General
3580 Wilshire Boulevard
4 Los Angeles, California 90010
Telephone: (213) 736-2043

5 Attorneys for Complainant

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7
8 BEFORE THE DIVISION OF MEDICAL QUALITY
9 BOARD OF MEDICAL QUALITY ASSURANCE
10 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation
12 and Petition to Revoke Probation
Against:

NO. D-2418

13 RICHARD M. NEAL, JR., M.D.
14 4193 Redondo Beach Boulevard
Lawndale, California 90260

ACCUSATION AND PETITION
TO REVOKE PROBATION

15 Physician's and Surgeon's
16 Certificate No. C-30739,

17 Respondent.

18 COMES NOW complainant Robert G. Rowland, who, as
19 cause for disciplinary action and revocation of probation
20 against the above captioned respondent, charges and alleges
21 as follows:

22 1. He is the Executive Director of the Board of
23 Medical Quality Assurance (hereinafter referred to as the
24 "board") and makes and files this accusation solely in his
25 official capacity.

1 2. On or about November 14, 1968, the Board of
2 Medical Examiners (predecessor to the board) issued to
3 Richard M. Neal, Jr., M.D. (hereinafter referred to as
4 "respondent") physician's and surgeon's certificate
5 number C-30739. Said certificate is now, and was at all times
6 mentioned herein, in full force and effect except as set forth
7 hereinbelow:

8 Effective September 11, 1978, in case
9 number D-1987, respondent's certificate was
10 revoked with revocation stayed and respondent
11 was placed on probation, under various terms
12 and conditions, for a period of five (5) years.
13 Attached hereto as "Exhibit A" and incorporated
14 herein by reference as though set forth at length
15 is a true and correct copy of the board's decision
16 in said case number D-1987.

17 3. Sections 2360, 2361 and 2372 of the Business and
18 Professions Code (hereinafter referred to as the "code") provide
19 that the Division of Medical Quality of the board (hereinafter
20 the "division") may take disciplinary action against the holder
21 of a physician's and surgeon's certificate who is guilty of
22 unprofessional conduct.

23 4. Section 2399.5 of the code provides, in pertinent
24 part, that the prescribing, dispensing or furnishing of
25 dangerous drugs as defined in section 4211 of the code without a
26 good faith prior examination and medical indication therefor
27 constitutes unprofessional conduct.

1 5. Quaalude, a trade name for methaqualone, is a
2 dangerous drug as defined by section 4211, subdivisions (a) and
3 (k), of the code and a schedule III controlled substance as
4 defined by section 11056, subdivision (b)(6), of the Health
5 and Safety Code.

6 6. Tuinal, a trade name for a combination of amytal
7 and secobarbital, is a dangerous drug as defined by section 4211,
8 subdivisions (a) and (k), of the code and a schedule III
9 controlled substance as defined by section 11056, subdivision (b),
10 (1), of the Health and Safety Code.

11 7. Preludin, a trade name for phenmethazine hydro-
12 chloride, is a dangerous drug as defined by section 4211,
13 subdivisions (c) and (k), of the code and a schedule II
14 controlled substance as defined by section 11055, subdivision
15 (d)(2), of the Health and Safety Code.

16 8. Respondent is subject to discipline pursuant to
17 the provisions of section 2399.5 of the code, in that respondent
18 has prescribed the following dangerous drugs as defined by
19 section 4211, of the code, for the following persons, without
20 conducting a good faith prior examination of such persons, and
21 without medical indication therefor, as more particularly
22 alleged hereinafter:

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	DATE	PATIENT	MEDICATION	PRESCRIPTION NUMBER
1				
2	3/29/79	Lisa Voisard (aka Toni J [REDACTED])	Quaalude	
3				
4	6/23/78	Elizabeth W [REDACTED]	Quaalude	431426
5	7/10/78	Elizabeth W [REDACTED]	Tuinal	431935
6	8/08/78	Elizabeth W [REDACTED]	Tuinal	432992
7	10/05/78	Elizabeth W [REDACTED]	Tuinal	434948
8	11/30/78	Elizabeth W [REDACTED]	Quaalude	436891
9	12/22/78	Elizabeth W [REDACTED]	Quaalude	437723
10	2/28/79	Elizabeth W [REDACTED]	Tuinal	439852
11	7/10/78	Jean U [REDACTED]	Preludin	431937
12	8/08/78	Jean U [REDACTED]	Preludin	432991
13	10/05/78	Jean U [REDACTED]	Preludin	434950
14	11/03/78	Jean U [REDACTED]	Preludin	435970
15	11/30/78	Jean U [REDACTED]	Preludin	436892
16	12/22/78	Jean U [REDACTED]	Preludin	437720
17	1/23/79	Jean U [REDACTED]	Preludin	438800
18	1/29/79	Jean U [REDACTED]	Quaalude	438930
19	3/01/79	Jean U [REDACTED]	Preludin	440196
20	4/03/79	Jean U [REDACTED]	Preludin	441435
21	7/10/78	Linda J [REDACTED]	Preludin	431938
22	8/08/78	Linda J [REDACTED]	Preludin	432993
23	8/28/78	Linda J [REDACTED]	Preludin	433729
24	10/5/78	Linda J [REDACTED]	Preludin	434948
25		/		
26		/		
27		/		

	DATE	PATIENT	MEDICATION	PRESCRIPTION NUMBER
1				
2	11/03/78	Linda J [REDACTED]	Preludin	435968
3	11/30/78	Linda J [REDACTED]	Preludin	436888
4	1/23/79	Linda J [REDACTED]	Preludin	438801
5	1/23/79	Linda J [REDACTED]	Quaalude	438802
6	3/01/79	Linda J [REDACTED]	Preludin	440193
7	4/05/79	Linda J [REDACTED]	Preludin	441466
8	4/05/79	Linda J [REDACTED]	Tuinal	441467
9	1/29/79	Quincy H [REDACTED]	Quaalude	438931
10	3/01/79	Quincy H [REDACTED]	Preludin	440198
11	4/03/79	Quincy H [REDACTED]	Preludin	441434
12	4/05/79	Quincy H [REDACTED]	Preludin	441465

13 9.. Section 700 of the code provides, in pertinent
14 part, that repeated acts of clearly excessive prescribing or
15 administering of drugs as determined by the standard of the
16 local community of licensees is unprofessional conduct.

17 10. Quaalude, Tuinal and Preludin are drugs within
18 the meaning of section 700 of the code.

19 11. Respondent is further subject to discipline
20 pursuant to the provisions of section 700 of the code in that
21 respondent has prescribed the following drugs for the following
22 persons in repeated and clearly excessive amounts as more
23 particularly alleged hereinafter:

24 The list of patients and prescription data
25 thereto appertaining set forth hereinabove at
26 paragraph 8 is incorporated herein by reference as
27 though set forth at length.

1 12. Section 2391.5 of the code provides, in pertinent
2 part, that the violation of any statute of this state regulating
3 controlled substances constitutes unprofessional conduct.

4 13. Section 11154 of the California Health and Safety
5 Code provides that except in the regular practice of his
6 profession, no person shall prescribe, administer, dispense or
7 furnish a controlled substance to or for any person who is not
8 under his treatment for a pathology or condition other than
9 addiction to a controlled substance.

10 14. Section 11007, subdivision (b), and section 11150.5
11 of the Health and Safety Code provide, in pertinent part, that
12 a controlled substance as the term is used in section 11154
13 of the Health and Safety Code means any drug, substance, or
14 immediate precursor which is included in one of the five schedules
15 contained in the Federal Controlled Substances Act. (Title II,
16 P.L. 91-513.)

17 15. Quaalude, Tuinal and Preludin are controlled
18 substances within the meaning of Health and Safety Code
19 sections 11007 and 11150.5, in that they are schedule II controlled
20 substances as defined in Title 21 Code of Federal Regulations,
21 section 1308.12.

22 16. Respondent is further subject to discipline
23 pursuant to the provisions of section 2391.5 of the code in
24 that respondent has violated state statutes regulating controlled
25 substances by prescribing Quaalude, Tuinal and Preludin to

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persons not under his treatment for a pathology or condition other than addiction to a controlled substance in the instances alleged in paragraph 8, hereinabove, in violation of section 11154 of the Health and Safety Code.

17. Section 11158 of the Health and Safety Code provides, in pertinent part, that no controlled substance classified in schedule II (of the heretofore referenced federal statute) shall be dispensed without a prescription meeting the requirements of chapter 4, division 10 of the Health and Safety Code (§§ 11150-11208, inclusive).

18. Section 11171 of the Health and Safety Code provides that no person shall prescribe, administer or furnish a controlled substance except under the conditions and in the manner provided by division 10 of the Health and Safety Code. (Uniform Controlled Substances Act, §§ 11000-11651, inclusive.)

19. Section 11190 of the Health and Safety Code provides, in pertinent part, that every practitioner who issues a prescription or dispenses or administers a controlled substance classified in schedule II (of the heretofore referenced federal statute) shall make a record that, as to the transaction, shows the name and address of the patient, the date of the prescription, the character and quantity of controlled substances involved and the pathology and purpose for which the prescription is issued, or the controlled substance administered, prescribed or dispensed.

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1 20. Respondent is further subject to discipline
2 pursuant to section 2391.5 of the code in that respondent has
3 violated state statutes regulating controlled substances by
4 prescribing schedule II (of the heretofore referenced federal
5 statutes) controlled substances without making a record as
6 required by sections 11158, 11171 and 11190 of the Health and
7 Safety Code. The circumstances are as follows:

8 A. The list of patients and prescription data
9 thereto appertaining set forth hereinabove at
10 paragraph 8 is incorporated herein by reference
11 as though set forth at length.

12 B. No record as required by section 11190
13 of the Health and Safety Code with respect to
14 prescriptions for Quaalude, Tuinal and Preludin
15 set forth hereinabove at paragraph 20, sub-
16 paragraph A, with respect to patients W [REDACTED], U [REDACTED]
17 J [REDACTED] and H [REDACTED] was maintained by respondent as
18 required.

19 21. Condition 2 of respondent's probation as set forth
20 in "Exhibit A" provides:

21 "(2) Respondent shall comply with all laws
22 of the State of California, its political subdivisions
23 and all of the rules and regulations of the Division
24 of Medical Quality, Board of Medical Quality Assurance
25 of the State of California insofar as said laws, rules
26 or regulations govern the exercises of the privileges
27 granted to him by his certificate to practice medicine
28 and surgery."

22. Respondent is subject to revocation of his probation in that he has violated condition 2 of the terms thereof. The circumstances are as follows:

A. The allegations set forth hereinabove at paragraphs 3 through 19, inclusive, are incorporated herein by reference as though set forth at length.

B. The violations of law referenced in the allegations set forth hereinabove constitute on respondent's part a failure to comply with the laws, rules and/or regulations referenced in paragraph 2 of respondent's probation and therefore constitute a violation thereof justifying revocation by the division of said probation by dissolving the stay thereof ordered on August 10, 1978, for a period of five (5) years.

WHEREFORE, complainant requests that a hearing be held on the matters alleged hereinabove and that following said hearing the division issue a decision:

1. Revoking or suspending license number C-30739 heretofore issued to Richard M. Neal, Jr., M.D., by the board;

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2. Revoking the probation imposed on respondent
and dissolving the stay on the Order of Revocation issued by
the board in case number D-1987; and

3. Taking such other and further action as the
division deems necessary.

DATED: October 1, 1979.

R. Rowland

ROBERT G. ROWLAND
Executive Director
Board of Medical Quality Assurance
State of California

Complainant

WLC:gg
03573101-
LA79AD1379
9-18-79

REDACTED

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5 Attorneys for Complainant

8 BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
9 DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation
12 Against:

No. D-1987

13 RICHARD M. NEAL, JR., M.D.,
14 Certificate No. C-30739

STIPULATION

15 Respondent.

16 IT IS HEREBY STIPULATED by and between the parties
17 and their counsel as follows:

18 I

19 Respondent, Richard M. Neal, Jr., M.D., hereby
20 acknowledges receipt of Accusation No. D-1987, Statement to
21 Respondent, and Notice of Defense form.

22 II

23 The parties waive their right to hearing as provided
24 by the California Administrative Procedure Act.

25 III

26 The matter will, without further proceedings, be
27 submitted to the Division of Medical Quality, Board of Medical
28 Quality Assurance, for a decision based upon this Stipulation.

29 IV

30 Official notice may be taken of paragraphs I and II
31 of the Accusation.

V

Respondent, solely for the purpose of the within proceedings, admits that on or about September 11, 1971, Respondent in a grossly negligent manner did treat, diagnose, prognose, and care for patient Janet F. Respondent admits that such gross negligence involved his incorrect assessment of the gestational age of the fetus carried by Janet F. which resulted in an incomplete therapeutic abortion.

VI

Respondent, solely for the purpose of the within proceedings, admits the allegations contained in paragraph VII of the Accusation

VII

Paragraphs VI and VIII of the Accusation are hereby dismissed with prejudice.

VIII

The parties jointly recommend that the following discipline be imposed as the penalty in this matter:

A. License No. C-30739 heretofore issued to Respondent Richard M. Neal, Jr., M.D., be revoked.

B. The effectiveness of said order of revocation shall be stayed for a period of five (5) years from the effective date of the decision of the Division of Medical Quality, Board of Medical Quality Assurance, during which time Respondent shall be placed on probation to the Division of Medical Quality, Board of Medical Quality Assurance, upon the following terms and conditions:

(1) Respondent shall not during the first thirty (30) days immediately following the effective date of this

1 decision exercise any of the rights and privileges granted to
2 him by his license to practice medicine and surgery.

3 (2) Respondent shall comply with all laws of the
4 State of California, its political subdivisions, and all of the
5 rules and regulations of the Division of Medical Quality, Board
6 of Medical Quality Assurance of the State of California insofar
7 as said laws, rules or regulations govern the exercise of the
8 privileges granted to him by his certificate to practice medicine
9 and surgery.

10 (3) Respondent shall initiate and file with the
11 Division of Medical Quality at its office in Sacramento,
12 California, at quarterly intervals after the effective date of
13 this order an affidavit setting forth Respondent's then present
14 residence and office addresses, and shall set forth and such be
15 the case, that Respondent has fully and faithfully complied with
16 all of the terms and conditions of probation herein imposed; if
17 Respondent has failed to comply with any of the terms and condi-
18 tions of probation or has committed any acts in violation of
19 this order, the same shall be fully set forth and explained in
20 said affidavit. Failure to file this affidavit or to include
21 therein the information above specified shall constitute a
22 violation of the terms of probation.

23 (4) Respondent shall report in person to the
24 regional Medical Consultant within ninety (90) days of the
25 effective date of the Decision and at such times thereafter as
26 the regional Medical Consultant shall designate.

27 (5) Respondent shall take and pass within the
28 period of suspension provided in subdivision (1) hereinabove,
29 an examination constructed and administered by the Division of
30 Medical Quality, Board of Medical Quality Assurance related to
31 the specific violations admitted by Respondent. In the event

1 that Respondent fails to pass such examination, Respondent shall
2 not participate in or perform any obstetrical or gynecological
3 procedure until Respondent passes such examination.

4 (6) Respondent shall, during the period of pro-
5 bation, successfully complete a continuing education program
6 bearing a meaningful relationship to the violations herein and
7 approved in advance by the Division of Medical Quality. For the
8 first two (2) years of the probationary period, such program
9 shall consist of a minimum of fifty (50) hours annually and for
10 the remainder of the probationary period shall consist of a
11 minimum of twenty-five (25) hours annually.

12 (7) The period of probation shall be tolled for
13 any period during which Respondent is engaged in the practice
14 of medicine outside the boundaries of the State of California.

15 (8) If the Division of Medical Quality, Board
16 of Medical Quality Assurance, after notice to Respondent and an
17 opportunity to be heard, shall determine that the Respondent
18 has, during the period of stay herein provided, violated any of
19 the terms or conditions hereof, the Division may vacate the stay
20 herein and make the revocation effective forthwith or may make
21 such other changes in the terms thereof as it deems proper in
22 the exercise of its discretion. That otherwise the stay will
23 become permanent and Respondent's license fully restored.

24 Respondent, Richard M. Neal, Jr., M.D., enters into this
25 Stipulation freely and voluntarily and by and with the advice of
26 his counsel, whose signature appears below, and hereby waives
27 any right of appeal which he may now have or hereafter acquire
28 arising out of and by reason of the disputed settlement herein.

29 IT IS AGREED THAT the terms set forth herein shall
30 be null and void and not binding upon the parties hereto unless
31 approved by the Division of Medical Quality, Board of Medical

1 Quality Assurance of the State of California.

2 Dated: January _____, 1978. May 12, 1978

3
4 Richard M. Neal, Jr.
5 Richard M. Neal, Jr., M.D.
6 Respondent

7
8 Dated: May 12, 1978.

9
10 John W. Miner
11 John W. Miner
12 Attorney for Respondent

13 Dated: January 20, 1978.

14
15 Karl S. Engeman
16 Karl S. Engeman
17 Deputy Attorney General
18 Attorney for Complainant

19 The above Stipulation is accepted as the Decision of
20 the Division of Medical Quality, Board of Medical Quality
21 Assurance.

22 This Decision shall become effective on the 1st
23 day of September, 1978.

24 IT IS SO ORDERED this 10th day of August
25 1978.

26 DIVISION OF MEDICAL QUALITY
27 BOARD OF MEDICAL QUALITY ASSURANCE
28 STATE OF CALIFORNIA

29 By Michael J. Carella
30 MICHAEL J. CARELLA
31 Secretary-Treasurer